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THE
REASONABLENESS

Of APPLYING for the
REPEAL OR EXPLANATION
OF THE
CORPORATION
AND
TEST ACTS,
Impartially Consider'd.



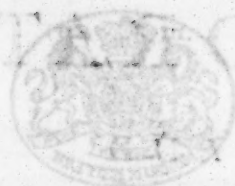
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REASONABLENESS

GENERAL EXPLANATION

OF THE

CORPORATION



TEST ACT

Inquiry Commission



LONDON

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THE
REASONABLENESS
Of APPLYING for the
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ABOUT Three Years ago, when the Controversy was amongst the *Dissenters* upon this Question, — Whether the [then] present were a proper Time to apply to Parliament for a Repeal, or an Explanation of, the Corporation and Test Acts, — A Pamphlet was publish'd to *adjust the Dispute*, by shewing that NO TIME at all would be proper to apply to Parliament for that Purpose. There may be possibly some Circumstances, which may make it more difficult at one Time than another to do what is right in itself: But when one considers the *Dissenters* as 'hear-

ty Friends to the Cause of Liberty; that 'they have always been firm to the Principles of the Revolution; that 'they are inviolably attached to the present *Royal Family*; that 'no Arts, no Oppressions, have ever warp'd them from their Duty to King G E O R G E; that 'they have always joined their Weight and Interest to those whom they knew to be Enemies to the *Pretender*, and his Cause; that 'they have always *readily and willingly* concur'd in all such Measures as might secure the Protestant Interest; — when these Things are consider'd, it may seem hard to fix upon *any* Time as *not proper*, either for them to apply for, or for a Parliament not to grant them, the Common Rights of Subjects. Is it right, that Men who have laboured under an unreasonable Burden for many Years, should therefore continue under it for ever? Or is it not surprising that the Mischiefs of hurting Men in their *Civil Rights*, purely on Account and for the Sake of their Religious Opinions, should not be seen and openly acknowledged by all?

'T IS plain from the Experience of a hundred and fifty Years, that Force, or Penal Laws, or Persecution under any Shape or Name, whether the Grievance of *Negative*
tive

tive Discouragements, or of *Positive* ones, has not cured the Evil of Dissention from the Established Church. It has been so far from producing this Effect, that on the contrary it has produced, and it cannot but produce, a great dislike to all who are Friends to, or plead for *Penal Laws*; it has caused an Alienation of Affections, a Disunion of Interests; oftentimes a Desertion of Men's native Country, and in Consequence of that, the Loss of Manufactures, the Loss of Hands, and all the Evils that attend the weakening of a Society. Now as these Evils arise from a certain known Cause, a Practice contrary to that must produce the contrary Effects in the same Degrees; in Proportion as the Cause is removed, the Effect will cease: And consequently, the total removing of an Uneasiness which has caused so much Mischief to the Commonwealth, must be a sure Foundation for Peace, and Unanimity, and all the Blessings of Concord and Harmony.

IT is a known Fact, allowed even by those who are against the Repeal of the Corporation and Test Acts, that, in Proportion to the Liberty granted to the Dissenters, real Advantages have arisen. The Author of *The Dispute adjusted* acknow-

acknowledges, that “ We have had long
 “ Experience of the *good Effects* of what
 “ was then settled,” when the Toleration
 was granted. He should therefore have
 proved, that no *further good Effects* can
 be obtain’d by removing the present Grie-
 vance; or, which is much the same Thing,
 that those acknowledged *good Effects*
 were all that *could* be produced by grant-
 ing a *full* Toleration. ’Tis certain that
 the Toleration granted to the Dissenters is
 a *limited* one; not of that Latitude to
 which it might have been extended. Now
 if the good Effects of it, are in Propor-
 tion to the Liberty indulged, why will
 not a greater Degree of Liberty produce
 more good Effects? For as long as Grie-
 vances last, and Grievances produce ill
 Effects, so long Degrees of Liberty may
 be granted in order to produce good Ef-
 fects. If therefore the present Tolera-
 tion has, by the Confession of the greatest
 Churchmen now living, produced *good*
Effects, I cannot but argue that it would
 produce *more*, were such Grievances re-
 moved as still remain upon the Dissenters.

It will be said perhaps, “ That a more
 “ extensive Toleration might possibly pro-
 “ duce some good to the Dissenters; but
 “ then, it would hurt the Church ”

WERE

WERE this indeed the Case, that in the Community the Majority would be just so much hurt as the Minority is indulged in what is right, then I should readily acknowledge that *no good Effect* was to be expected from such a Law. But this is plainly not the Case: For by extending the Toleration to the Removal of all Grievances, the Dissenters would only gain their Liberty, which is a common Piece of Justice due to them; and the Church would not be hurt. Forty Years ago the Dissenters were desirous of a *Toleration*, and could not bear the Penal Laws which were executed with great Degrees of Rigour. The Churchmen were then as unwilling to come into a *Toleration*, as now they are to the Repeal of the *Test Act*; and this for fear that the Church should be hurt. But Forty Years Experience has, or might convince the Churchmen, that they have been the great Gainers, and not the Dissenters, by that Act. For 'tis allowed, that the Dissenters have not gained Ground on the Church since Liberty has been indulged unto them. There is now scarce *One* English Peer amongst them: Their *Gentry* is not at all Superior in Numbers to what it was before the Revolution: And notwithstanding that Interest is still very great, yet it is on all Hands

con-

confessed not to have encreased, since *Liberty* has been granted to them. The Free Conversation of Churchmen and Dissenters, and its not being any longer a Matter of Reproach to keep Company with them, has very much taken off that Rancour and Bitterness on the one Side, and that Contempt, and Reproach and Ridicule on the other, which too much formerly appeared: Neither the one Side, nor the other, looks upon its Adversary as once they did. Liberty has very much conciliated their Minds; and the Consequence has been, Peace and Good-nature to a very great Degree. And were this Liberty which now is the Subject of Debate granted to them, the Result would be, not that the Church would be hurt; not that it would be deprived of its Revenues, or have its Rites and Ceremonies altered, or its Privileges lessened; but on the contrary, as Justice would be done and the Cause of Uneasiness removed, many would *conform*; and those who did not, would have no Reason to complain.

THE Churchmen therefore ought, in Point of Policy and Interest, to grant to Dissenters all the Liberty they can. I do not concern my self here with the *Justice* or *Equity* of repealing or explaining these Laws; —

Laws; ---That 'tis doing to others, as we would, were we undermost, be done by: Nor will I consider the unreasonableness of treating the Dissenters as Enemies to the Government, who are granted on all Hands to be known, experienced, hearty Friends to it: I do not concern my self with the Consideration of their being punished without Fault; nay, for their doing what in Conscience they are bound to do: But I consider this Matter at present merely *politically*; and setting aside the *Moral* and *Religious* Reasons for the Repeal or Explanation of these Acts, which shall be considered hereafter, I maintain that these incapacitating Acts are *detrimental* to the *Church it self*; that they are suited to *keep up* that Interest which the Church should be glad to have lessened; and therefore that every Churchman ought to be for the Repeal or Explanation of them. But whether this sort of Reasoning be right or wrong, must be left to the Judgment of such as have observed human Nature, and are acquainted with the Histories of past Times.

BUT without insisting on these Topicks any further; I shall proceed directly to consider what has been said *in Proof*, that *no Time* is *proper* to attempt to get the *Corporation* and *Test* Acts repealed or explained.

B

THE

THE Author of *The Dispute adjusted* begins with observing, “ That in the Act
 “ of Toleration the Dissenters are expressly
 “ included in the Disabilities and Penal-
 “ ties of the Test Act.” They are so :
 And this I contend to be one great Instance of the Imperfection of that Law. What an unknown Author says, may perhaps be of no great Weight to the Reader. But as an uncommon Degree of Regard is justly paid to Mr. *Locke*’s Authority, I cannot but observe, that Mr. *Locke*, at the Time when the Act of Toleration passed, very justly complained, that it was not of that *Latitude* and *Extent* which true Christians, such as had no by-Ends to serve, could wish; and that it was only a good *Beginning*, upon which some time or other in After-times the Church of Christ might be established; it was getting *something* done; it was laying the *Foundations* of Peace and Liberty. His Words to Mr. *Limborch* are — “ *Tolerantiam, apud nos jam tandem lege stabilitam te ante hæc audisse nullus dubito*: Non ea forsan latitudine, *qua tu, et tui similes*, veri et *sine* ambitione, *vel* invidia, Christiani optarent; *sed* aliquid est prodire tenus. *His* initiis *jacta* spero sunt libertatis et pacis fundamenta, quibus stabilien-

“ *da,*

“ *da olim erit Christi ecclesia.*” Mr. *Locke*’s Letters, p. 330. How different was Mr. *Locke*’s Judgment from that of this Author? Mr. *Locke* thought the Act of Toleration not of that *Latitude* that it ought to have been : This Writer thinks that “ the Bounds between the Church “ and the Dissenters cannot be *more wisely* “ *ly* adjusted than it is at present.” Mr. *Locke* thought it a tolerable *Beginning* : This Author thinks it a *finished* Work. Mr. *Locke* thought it something *to get so far* : This Writer thinks that they never ought to *get farther*. Mr. *Locke* conceived, that the *Foundations of Peace and Liberty were laid, upon which* SOMETIME OR OTHER *the Church of Christ might be established* ; this Writer conceives that whenever any Alteration in that Act is made, “ *the Peace of this Country is* “ *at an End.*”

He goes on, “ In the latter End of “ *Q. Anne*’s Reign, an Act was passed “ against *Occasional Conformists* ; but “ this was repealed in the Beginning of “ the next Reign, upon *these Considerations*, as we may suppose among others : “ That by receiving the Sacrament according to the Church of *England*, “ they did all that the Test Act requires :

“ That such receiving it was an Evi-
 “ dence, that tho’ they liked their own
 “ Way better, they did not think ours
 “ unlawful: That the Act of Toleration
 “ could not be supposed to leave them
 “ in a worse Condition than it found
 “ them : And that they might have no
 “ Pretence to say they did not enjoy their
 “ Toleration to the full.” P. 7, 8.

I will not presume to say what were
 the Reasons that determined every parti-
 cular Person to Vote for the Repeal of
that Act. No doubt it was in that Case,
 as it is in many others; some are deter-
 mined by one sort of Motive, others are
 determined by others. Interest, personal
 Attachments, and private Views very often
 influence, where the strongest Reasons can-
 not prevail. But as *that* Act is now re-
 pealed, how comes it here to be mention-
 ed, in order to shew that *no Time at all is*
proper to get a Repeal or Explanation of
 the *Test* Act? In the Days of outrage-
 ous Zeal the *Occasional* Bill was passed:
 And not long after, it was repealed. How
 does this shew that *no Time is proper* for
 the Dissenters to try to get a Repeal of the
Test Act, so far as it may concern them?
 What Connection is there between the
 Point to be *shewn*, and the mention of
 this

this *repealed* Act? None at all. But only it served to introduce this invidious Remark, “ That the present Attempt to Re-
 “ peal the *Corporation* and *Test* Acts is to
 “ let in those into Places of Power and
 “ Trust, who think the Service of the
 “ Church of *England* sinful : Who have
 “ not only a rooted Aversion to it, but
 “ think themselves *bound in Conscience*
 “ to do all that is in their Power to de-
 “ stroy it.”

THE *Occasional* Bill was, that Dissenters, who should qualify themselves for Offices according to the *Test* Act, were restrained from going to Conventicles as long as they *continued in* those Offices. This supposes, that as soon as they were *out of Office* they might return to Conventicles again. Persons therefore that *occasionally conform'd*, were actually *let into Places of Power and Trust* ; and I never heard that any Injury was done to the Church by this sort of Communicants. They came into Places of Power and Trust ; and when they had served their Offices, they returned to that Way of Worship which they liked better : and notwithstanding all the Outcries against *Occasional* Communion, and the Dangers to the Church which were then pretended,

ed, I do not remember one single Instance, wherein the Church received any detriment.

BUT the Case would be altered, were the *Test Act* repealed or explained. Why? Because “ to Repeal the Corporation and “ Test Acts, is to *let in* those to Places “ of Power and Trust, who, — think “ themselves bound in Conscience to do “ *all that is in their Power* to destroy “ it.” Now,

1st, WERE these Acts explained or repealed, 'tis a gross Mistake to say that this would be to *let in those into Places* of Power and Trust, who think the Service of the Church to be sinful. It only makes such *Capable* of such Offices. But is a *Capacity* for a Place, or rather, the *removing an Incapacity* for a Place, the same as *giving*, or actual *having*, a Place? But,

2^{dly}, LET us suppose a Dissenter, and one too that has “ a rooted Aversion” to the Church of *England*, actually in a Place of Power and Trust. Suppose him to be *Mayor* of a Corporation, *Sheriff* of a County, a *Justice of Peace*, or, if you please, in any Station, Civil or Military :
And

And suppose him too to “ think himself
 “ bound in Conscience to do all that is
 “ in his Power to destroy” the Church.
 I would ask, what *Power* has he to *de-*
stroy, or hurt, the Church by his being
 in such Offices? Can he alter the Main-
 tenance of the established Clergy? Can he
 change the Government, or the Disci-
 pline, of the Church? Can he alter the
 Rites and Ceremonies of it? Could an
 Admiral, or a General, change our Ar-
 ticles, or Common-Prayer? How much
 less could a *Mayor* of a Corporation, or
 a *Justice of Peace* do the Church any
 Mischief? These *Officers* must all be
governed by Law, as well as others; and
 they have not the Power of *making* or
changing Laws in their Hands, more than
 if they had the greatest Affection to the
 Church: They have no more Power to
 destroy the Church, merely by being in
 such Places of Power, than if they had
 not such Posts. Besides;

3dly, WHAT is it this Way of Reason-
 ing in this Author *supposes*? Why, that
 as soon as ever the *Test Act* is out of the
 Way, all Dissenters are to be put into
 Places of Power, and all Churchmen turn-
 ed or kept out: That none but such as
 have “ *a rooted Aversion to the Church*”
 of

of *England* are to be *let into* Places of Trust; and that all Offices are to be filled with such Men. Has the Church of *England* so behaved it self, as to give Occasion for such a Suspicion? Can this Writer pay such a wicked Compliment as this, either to the Church, or to his Majesty, as to think that the King will discard the *Church of England* without any Demerit? Or does this Author think that the Churchmen have such a Degree of Demerit, as to deserve such Usage? Unless one or other of these Cases be supposed, there will always be enow in Places of Power and Trust to guard against these imaginary Consequences, and to secure the Church against these grand Attempts of such as shall be admitted into Places of Trust, or Power.

4thly, I MUST observe, that in the present Constitution of *England*, it is not the *Persons in Offices* (who are only the *Executors* of the Law) which can subvert or destroy the Establishment, but it must be the Persons that can get into *Parliament*, who, if they are resolved to destroy the Church, must do it. If a *Mayor*, or a *Sheriff*, or a *Justice of Peace*, or any Officer whatever acts inconsistent with, or contrary to Law, *Westminster-Hall*,

or

or the *House of Lords*, is a Check sufficient to controul him. Should therefore one of these "rooted Enemies" to the Church attempt illegally to destroy, or hurt, the Church, the Law is open, and he will certainly meet with Justice. It must be then *in Parliament* from whence this Storm must come. But then, this Writer forgets that the *Test Act* is no Guard against Dissenters being chose into Parliament: They are qualified equally with others to sit there now; and there *are* several at this Time in the House of Commons. So that with all the Outcry of a "rooted Aversion" in Dissenters to the Church; and of their being "bound in Conscience to do all in their Power to destroy" it, the *Test Act* keeps them out of such Places only where they *cannot* hurt it; and they are at Liberty notwithstanding that to get *into Parliament* where they *may* hurt it, but *never have attempted* to hurt it. I will add one more Observation, and that is,

C

Lastly,

Lastly, LET us suppose that these Men have this “rooted Aversion” so much dreaded; — Which is the Way to soften Mens Mind, and to remove all Obstinacy, and to make them less disposed, to return Evil for Evil? Is it to treat them with Justice and Kindness, and Civility and Generosity, when you have them in your Power; or is it to oppress, and harass, and inflict farther Hardships upon them? Which is the most likely Method to make Men do what is Right whenever it is in their Power to do otherwise,—good Usage, and upright honest Dealing; or what naturally makes Men study Revenge and Retaliation, and promotes eternal Enmity? He goes on,

“ MUCH has been said about the Propriety or Impropriety of making the
 “ Sacrament a Test in Civil Affairs;” and
 since this Author tells us, that “ the main
 “ Point is not, what Kind of Test is most
 “ proper and effectual, but whether or no
 “ there

“ there ought to be any Test at all,” I will endeavour to answer directly to this.

I ACKNOWLEDGE then, That there ought to be *a Test*, by which the Friends may be distinguished from the Enemies of the Government; and by which the Enemies of it may be kept out of all Places of Power and Profit. But then, That ought not to be made a Test which treats known Friends and known Enemies in the *same* Manner; and puts no Distinction, or makes no Difference, betwixt them. The *Protestant Dissenters* are known to be as hearty and as sincere Subjects to the King, as any other Subjects in his Majesty's Dominions. The *Papists* are by Principle, and therefore always are, avowed Enemies to his Person and to his Government. The *One* are ready always to give, and always do give the strongest Evidences of their Affection: The *Other* never do, nor ever will. The *One* therefore has a Claim of Right to a Toleration in its fullest Extent and Latitude; whilst the *Other* can have no Claim of Right to

such Indulgence, in a State where they refuse to give the common Evidences of *Allegiance*. A Test therefore which treats these two Sorts of Men *equally* and in the *same Manner*, must be very unfair, and unreasonable, and impolitick.

AND now I have own'd that which is here supposed to be the main Point, I cannot but think it proper to descend to the other Point, *viz.* "What Kind of Test is most proper and most effectual." And here if a Test can be devised that will keep out *Papists*, and not keep out *Protestant Dissenters*, from Places of Power and Trust, That must be a Right one. Now the Test prescribed for every Member of the House of Lords and Commons, will effectually answer this End; since we find by Experience that it has kept out the *Popish Lords* from sitting in the House of Peers, and keeps out *all Papists* effectually from the House of *Commons*; and therefore might likewise from all Places of Power, or Profit, or Trust, in the Kingdom.

B y

By an Act passed in 1678, *i. e.* *six* Years *after* the Test Act, it is enacted, That no Person that now is, or hereafter shall be a Peer of this Realm, or Member of the House of Peers,—or a Member of the House of Commons, shall Vote, or Sit there, until he shall first take the several Oaths of Allegiance and Supremacy, and make this Declaration following.

I A. B. *do solemnly and sincerely, in the Presence of God, profess, testify and declare, that I do believe, that in the Sacrament of the Lord's Supper, there is not any Transubstantiation of the Elements of Bread and Wine, into the Body and Blood of Christ, at or after the Consecration thereof, by any Person whatsoever : And that the Invocation, or Adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are Superstitious and Idolatrous. And I do solemnly, in the Presence of God, profess, testify and declare,*
that

that I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by English Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope, or any Authority or Person whatsoever, or without any Hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am, or may be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, altho' the Pope, or any other Person or Persons, or Power whatsoever should dispense with, or annul the same, or declare that it was null or void from the Beginning.

SUPPOSE now that this Test were made the Test for all Places of Trust and Power; that every Person before his Admission were to take the Oaths of Allegiance and Supremacy, and make the Declaration

claration above-mentioned, would not every *Papist* be kept out of all Offices, just as now *they* are kept out of the *Parliament House*? And might not all others be made capable of holding Offices, without any Danger to our Constitution in Church or State? What one bad Consequence then could arise, were this Matter set upon a right Foot, and a proper Test applied to what was originally designed? The *Papist* must cease to be a *Papist* before he could comply with such a Test, and none but *Papists* could be excluded by it.

BUT this Author goes on thus: " There
 " is one Thing observable in the Test
 " Act, which has not been constantly at-
 " tended to, tho' of some Importance in
 " the present Case. The Dissenters plead,
 " that there was no Desire or Intention in
 " the Legislature to include them in the
 " Disabilities and Penalties of that Act."

This he grants here; and in *p. 6.* he expressly says, " The Test Act had a
 " more immediate Eye to the *Papists*:"
 And had he not granted it, it might have
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that I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by English Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope, or any Authority or Person whatsoever, or without any Hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am, or may be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, altho' the Pope, or any other Person or Persons, or Power whatsoever should dispense with, or annul the same, or declare that it was null or void from the Beginning.

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 " more immediate Eye to the *Papists*:"

And had he not granted it, it might have
 been

been proved from the Title of the Act—
 “ *An Act for preventing Dangers which*
 “ *may happen from Popish Recusants;*”
 and from the first Words of the Act—
 “ *For preventing the Dangers which*
 “ *may happen from Popish Recusants:*”
 And from the “ Declaration in it against
 “ *Transubstantiation.*” He goes on with
 his Observation thus, — “ I would ask,
 “ Why, besides the Oaths of Allegiance
 “ and Supremacy, and the Declaration
 “ against Transubstantiation, did the Le-
 “ gislature think fit to require the Sacra-
 “ mental Test, which is the only Thing
 “ that affects the Dissenters? The Answer
 “ of a Dissenter must be, That the Le-
 “ gislature *thought* that they could not
 “ effectually exclude the *Papists* without
 “ that Test.” Supposing that a Dissen-
 ter should allow this, tho’ ’tis certain he
 is not obliged to give this Answer; yet
 admitting it — “ The Consequence is,”
 says this Author, “ That if they did not
 “ desire to exclude the Dissenters from
 “ Offices, *they must believe* that a Sacra-
 “ mental Test was *absolutely necessary*
 “ to

“ to exclude the *Papists*.” And suppose that That Parliament did *believe* this at that Time ; What then ? Is this the Consequence, Therefore there can be *no Time at all proper* to alter what they *believed* to be *Right* at that particular Time ? ’Tis plain in *Fact*, that notwithstanding the Test Act, some *Recusants* took the Liberty to *sit and vote* in *Parliament* ; and ’tis as plain, that the Measures which were *afterwards* taken to guard against that Inconveniency, have effectually succeeded. If so ; then it does not follow that That Parliament which passed the Test Act, must necessarily be a Standard to all succeeding Parliaments. It certainly fail’d in that Point which they believed to be absolutely necessary to exclude the *Papists* ; and a following Parliament, five or six Years afterwards, removed the Inconvenience which the Makers of the Test Act did not : And we have now had seven or eight and fifty Years Experience of the Goodness of this Test, which has in *Fact* excluded *Papists*, and will not hurt a *Protestant Dissenter*.

D

THERE

THERE is no Question about the Opinion of the Parliament in 1672, about the Test Act: And 'tis granted that That Parliament, at that Time, believed the Sacramental Test a very proper one. If the Consequence from this is,—Therefore there *can be no Time proper* to Repeal or Explain it; — I say the same Consequence would have followed, that no Time was proper to Repeal *any* of the *Penal* Laws which stood in Force *before* the Toleration Act was pass'd. The same Reason exactly, *at the Time of the Toleration*, would have proved that *no Time* was proper to Repeal *them*, as now is brought to prevent the Repeal or Explanation of the Test Act. Nay, I maintain, that more might have been said at that Time in *their* Favour, than now can be brought for the Continuance of the Test Act. Let us try this by an Induction of Particulars.

AN Act passed in the 23^d of *Elizabeth*, entitled, *An Act to retain the Queen's Majesty's Subjects in their due Obe-*

Obedience. By this Act, *Every Person above the Age of sixteen Years, which shall not repair to some Church — shall forfeit twenty Pounds of lawful English Money for every Month : And every Person so forbearing by the Space of twelve Months — shall be bound with two sufficient Sureties in the Sum of 200 l.* There is no Occasion to cite more from this Act: 'Twas passed in 1580.

IN 1586, another Act was passed for the *speedy and due Execution of certain Branches of the preceding Statute : And 'tis enacted, That every Feoffment, Gift, Grant, Conveyance, Alienation, Estate, Lease, Incumbrance, and Limitation of Use, of or out of any Lands, Tenements, or Hereditaments whatever, had or made — by any Person which hath forborn or shall forbear to repair to some Church — which is revokable, — or for the behoof of him or his Family, — shall be void as to the Penalty of the said Statute.*

THERE is no Occasion to cite more Statutes which stand repealed by the *Toleration Act*: But I'll suppose an Attempt made to get these Statutes repealed, at the Time when the *Toleration* was depending; and I argue that there *never could be a proper Time* of applying for the Repeal of *these* Acts, in the very Manner, nay, almost in the very Words, in which this Author argues against the present Attempt. “ The Legislature in *those* Times “ must *believe* that these Penal Laws were “ absolutely necessary for the Security of “ Religion, and the Support of the Church. “ Upon which another Question arises, “ What then shall secure the Church, if “ *Penal* Laws be abolished? Not the Ex- “ emption of Dissenters from all Penalties; “ but their joining with the Church of “ *England* in the most solemn Acts of “ Worship, is a Security of the strongest “ Kind: This is an open Acknowledg- “ ment, that our Church is a true Church, “ and our Ministry a true Ministry, and “ we true Members of the Catholick “ Church of Christ, tho’ we retain cer-
“ tain

tain Rites and Ceremonies which the “*Papists* use,” and for this Reason no Time can be ever proper to grant an Exemption from these Penalties.

JUST such an Argument is this, from the Test Act’s being “believed” by the Parliament that made it, to be the properest Means to exclude all Dissenters from Offices, therefore no Time can be proper to get it repealed. What if that Parliament *believed* so? So did the Parliament in 1580, or 1586, *believe* that *Penal Laws* were the best Security to the Church: That the Parliament that passed the *Penal Laws* judg’d wrong, this Author makes no Scruple to declare, when he speaks of the “good Effects” of the Toleration Act, which repealed these Laws. And what if many Years Experience that the Protestant Dissenters are hearty Friends to our Monarchy and Government, should induce a *British* Parliament to treat them not as Enemies any longer; might they not do it by the same reason that they repealed the Penal Laws, which long Experience

perience shew'd to be an ill judg'd, false, and wicked Means to secure the Church?

'T IS certain that Penal Laws subsisted above a *hundred Years* ; The Test Act has subsisted but *Sixty Three*. Had any Man *before* the Toleration desired a Repeal of those Laws which had subsisted so long, his Mouth might have been stop'd with the Reason *now given*, why one should not apply for the Repeal of the *Test* — viz. *no time at all is proper for the Repeal*. “ The Parliament that fixed “ *them, thought* them absolutely necessary for the Security of the Church. “ and we have found their Effects in a “ *hundred Years Experience*.” But yet after the Experience of a hundred Years, what had been thought good, was thought proper to be repealed at last, notwithstanding such Arguments for them : And the “ good Effects of what was then settled ” is now experienced, and confessed.

“ It will not be denied,” says this Author, *p. 6.* that the Corporation and Test Acts

Acts were *designed* for the Security and
 “ Support of the Established Constitu-
 “ tion in Church and State.” Therefore,
 what? Therefore *no Time can at all be pro-*
per to apply for a Repeal of them. Ap-
 ply this Reasoning to that pious Bill in
 Queen *Anne’s* Time, *The Occasional Act*:
 That was DESIGNED for *preserving*
the Protestant Religion by better securing
the Church of England as by Law esta-
blished, and for confirming the Tolera-
tion granted to Protestant Dissenters. Yet
 notwithstanding this good Declaration, and
Design in the Parliament, that pass’d it,
 the *Occasional Act* was justly repealed;
 “ and this without any hurt to the E-
 “ stablished Constitution in Church and
 “ State.” If therefore the Reasoning in
 the 6th *page*, from the *Design* to *secure*
 and *support* the Constitution in Church
 and State, be conclusive, that Therefore
no Time is proper to apply for a Repeal
 of the Test Act; the very next two Pages,
 where he treats of the Repeal of the *Oc-*
casional Bill, are a Contradiction to it.
 And so again, what he thinks of “ great
 “ Importance”

“ Importance” in *p.* 10, 11, where he argues from what a Parliament *believes* to be necessary, is in flat Contradiction to all Proceedings in Parliament; since one Parliament very commonly Repeals what another *believed* to be necessary.

FROM the Consideration of these Acts of Parliament, this Author next proceeds to consider the Arguments usually urged in Favour of the Dissenters; and says, “ We have heard much of *Natural Rights*, “ and the unjust Invasion of those Rights “ by the Corporation and Test Acts,” *p.* 11. Then, to shew that no Argument can be drawn from *Natural Rights*, he proceeds thus: “ But is not Society and Govern- “ ment it self founded in an *Abridgment* “ of Natural Rights, in such Instances, “ and such Degrees, as in the Judgment “ of the Legislature, the Safety and Wel- “ fare of the *Whole* requires?” I answer,

’Tis true, that “ Society and Govern- “ ment is founded in an *Abridgment* of “ *Natural Rights*:” But then ’tis *only*
in

in the *Abridgment* of such *natural Rights* as Civil Society and Government were instituted to preserve. 'Tis not founded in the Abridgment of *all* and *every* natural Right; but only of such as concern Mens Liberty and Property, or the Things of *this Life*. When therefore this Author puts the Question in a confused indefinite Manner, — “ Is not Society founded in
 “ an Abridgement of natural Rights in
 “ such Instances, and such Degrees, as in
 “ the Judgment of the Legislature, the
 “ Safety and Welfare of the Whole requires? ” — He puts it in such a Manner, that it may be equally true to answer in the Negative, as well as in the Affirmative. And 'tis this artificial blending together Things which ought to be kept distinct, which is the Occasion of all the Confusion in this Question. A Man can impower his Representative to give away whatever he can give away himself; he can alienate his Property; he can intrust another with the Power of making Laws for the Protection and Security of That, for which Society was founded. But it

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has

has never yet been proved that a Man can alienate his own Judgment, or his own Thoughts, about God; or about that which alone can make him acceptable to God: nor is Society founded upon an Abridgment of this sort of Natural Rights.

THE Judgment and Authority of Mr. *Locke* is so great, that I shall choose to exprefs my Sentiments in the Words of his first Letter concerning Toleration. “ Concerning outward Worship, I say “ that the Magistrate has *no Power* to enforce by Law, either in his own Church, “ or much less *in another*, the Use of any “ Rites and Ceremonies whatever in the “ Worship of God. — Perhaps it may be “ concluded from hence, that I deny unto “ the Magistrate all Manner of Power about *indifferent* Things.—No.—But it “ does not therefore follow that the Magistrate may ordain whatever he pleases “ concerning any Thing that is indifferent.” If this be understood, ’twill plainly shew, what Mr. *Locke*’s Sentiments were about the Right of the Legislature
to

to abridge "*Natural Rights* in such In-
 stances, and in such Degrees as it pleases."
 He goes on, and speaks directly to the
 Point in hand. "But some may ask,
 "What if the Magistrate should enjoin
 "any Thing by his Authority that ap-
 "pears *unlawful to the Conscience of a*
 "*private Person*? I answer, — If the
 "Law indeed be concerning Things that
 "lie not, N. B. *within the Verge of the*
 "*Magistrate's Authority*, (as for Ex-
 "ample, that the People, *or any Party*
 "*among them*, should be compelled to
 "embrace a STRANGE Religion, and
 "*join in the Worship and Ceremonies of*
 "*another Church*,) Men are not in these
 "Cases obliged by that Law against their
 "Consciences. For the Political Society
 "is instituted for no other End, but *on-*
 "*ly* to secure every Man's Possession of
 "the Things of this Life. The Care of
 "each Man's Soul, and of the Things of
 "Heaven, which neither does belong to the
 "Common-wealth, nor *can be subjected*
 "to it, is left entirely to every Man's
 "self. — But what if the *Magistrate*

“ *believe* such a Law as this to be for
 “ the publick Good ? I answer, As the
 “ private Judgment of any particular
 “ Person, if erroneous, does not exempt
 “ him from the Obligation of the Law,
 “ so the private Judgment (as I may call
 “ it) of the Magistrate does not give him
 “ any new Right of imposing Laws up-
 “ on his Subjects, which neither was in
 “ the Constitution of the Government
 “ granted him, *nor ever was in the Power*
 “ *of the People to grant* : And least of
 “ all, if he make it his Business to en-
 “ rich and adorn his Followers, and FEL-
 “ LOW SECTARIES with the Spoils
 “ of others.” Mr. *Locke’s own Words*
 are much better and clearer than his
 Translators; and therefore I’ll give them
 to you in the Margin. *

T o

* *Magistratus nec in sua, nec (quod multo minus licet*
in aliena ecclesia potest ritus aliquos ecclesiasticos, vel ceremonias
in cultu dei usurpandas lege civili sancire.—Dices; Annu-
igitur negabis, quæ ab omnibus conceditur, magistratus in
res adiaphoras potestatem, quæ si auferatur, nulla restabit
legum ferendarum materia? — Non inde tamen sequitur
quod

To return now to our Author. "Look"
says he, " into the present Constitution
" of Parliament, and see how *Natural*
" Rights stand there. Can any Right be
" more

*quod licitum sit magistratus de quavis re indifferente quod-
cunq; placuerit statuere, p. 46, 47.*

*Quid si edicto jusserit magistratus quod privatæ conscientiæ
videatur illicitum? Resp.— Quod si lex sit de rebus extra
magistratus provinciam positis, scilicet ut populus ejusve pars
aliqua ad alienam religionem, [not a strange Religion,
but the Religion of any one else] amplectendam, & ad
alios ritus transire cogatur, ea lege non tenentur aliter sen-
tientes: Quandoquidem ad rerum hujus vitæ solummodo con-
servandam privato cuiq; possessionem, nec alium in finem
inita est Societas politica; animæ suæ et rerum cælestium
cura, (quæ ad civitatem non pertinet, nec ei subjici potuit)
privato cuiq; reservata atq; retenta, p. 70, 71.*

*Sed dices: Quid si magistratus credat hoc in bonum pub-
licum fieri? Resp. Quemadmodum privatum cujusq; ju-
diciū, si falsum sit, illum a legum obligatione nequaquam
eximit, sic privatum (ut ita dicam) magistratus judiciū
novum illi in subditos legum ferendarum jus non acquirit,
quod ipsa reipublicæ constitutione illi non concessum fuit, nec
concedi quidem potuit: multo minus si id agat magistra-
tus, ut suos asseclas, suæ sectæ addictos. [not his Fel-
low Sectaries, but such as are of his Persuasion] alio-
rum spoljis augeat et ornet, p. 72. Epistola de Tole-
rantia,*

“ more Natural than, that they whose
 “ Property is to be disposed of, should
 “ have a Vote in returning those who are
 “ to dispose it; and yet what Numbers
 “ are excluded from Voting? — Has not
 “ every one a Natural Right to a Capa-
 “ city of representing his Country in Par-
 “ liament? — And yet what Numbers
 “ are now excluded from Receiving that
 “ Trust. — Just so it is, and no other-
 “ wise, in the Case of the Corporation and
 “ Test Acts.

IF it appears to be *just so and no other-
 wise* to this Author, yet to others that
 are concerned in this Debate, it appears
 to be *quite otherwise*. It may be right
 to limit Voters; it may be just to limit
 the Representatives in Parliament as to
 Numbers, and to Estates: And the So-
 ciety can consent to this. But 'tis quite
 otherwise in Matters of Religion. A Man
 may part with his Civil Rights; it is not
 in the Power of the People to grant a-
 way their Religious ones: The Legisla-
 ture may have the one, as being the
 Director

Director and Judge of what is best for the Publick; The other has no relation to the End of Civil Society. Here then is a great Mistake in the Representation and Comparifon of civil and religious Rights; as if they were Natural Rights of the fame Kind; as if they were *both* equally the Concern and Care of the *Magistrate*; and that he could act in the one *just fo and no otherwise*, than he does in the other.

BUT let us fuppofe for once, that this Comparifon is *just*, and that 'tis *just fo and no otherwise* in civil and religious Rights; as indeed I think it muft be to every one that *knows no Religion but the Magistrate's Religion*. Yet, what is all this to the Purpofe? The Point to be proved is, That *no Time at all is proper* to apply for a Repeal of the Corporation and Test Acts. “ The Legiflature of the “ Kingdom,” fays he, “ has thought fit “ to eftablifh a National Church, as the “ beft Means of promoting Religion, and “ preferving Peace and Order in the State. “ And

“ And now they stand accused by these
 “ Men of an unjust Usurpation upon Na-
 “ tural Rights, because they have taken
 “ Care that none be admitted to Offices
 “ of Power and Trust — who were ob-
 “ liged in Conscience to destroy it as
 “ soon as they can.” I answer,

THE Legislature, enacted and kept in
 Force *Penal Laws* for a Century toge-
 ther, and they did this “ as the best Means
 “ of promoting Religion, and preserving
 “ Peace and Order in the State.” And
 yet as these have been repealed; and the
 “ good Effects” of such Repeal, are by this
 Author acknowledged; and the “ National
 Church” still continues; so if these two
 Acts were repealed, what Harm will en-
 sue to the “ National Church?” Has the
 National Church no other Law to sup-
 port it but the Corporation and Test Acts?
 Is it *those* Laws only, or chiefly, which
 Constitute the establish’d National Church?
 If not, then the “ National Church” may
 subsist, if those Laws were repealed; just
 as

as it subsisted a " National Church " before ever those Laws were made.

HERE then we have an Argument urged, which supposes Civil Rights and Religious Rights *equally capable* of being abridged by the Legislature. Then it supposes that the Repeal of the Test Act, will actually *let in* the Dissenters into Offices; whereas it only removes an Incapacity; and puts them only upon an equal Footing with others: Then it supposes that they will destroy the Church " as soon as they can," in Consequence of their being in Offices; whereas they are qualified to do it now as much as they can be then. And lastly, allowing all these Supposals to be proved, not one of which is or can be proved, still there wants some Medium to prove that *no Time can be proper* to apply for a Repeal of those Acts, unless you can prove that a Rule of Right is constantly and perpetually to be broke thro' for Fear of a possible accidental Event, which may be guarded

F against,

againſt, or prevented by a thouſand different Circumſtances.

IN the following Pages, this Author ſeems to imagine that the whole Queſtion turns upon this—“ Whether or no the
 “ Civil Power can *eſtabliſh* a National
 “ Church : And if it can, whether it is,
 “ or is not, conducive to the Ends of Religion and of publick Peace and Order, that ſuch a Church *be eſtabliſhed*;
 “ and after the *Eſtabliſhment*, that it be
 “ maintained and preſerved.” p. 14.

THE Point this Author undertook to prove was, That *no Time can be proper* to apply for a Repeal of the Corporation and Teſt Acts. 'Tis here ſuppoſed and admitted, that there may be an eſtabliſh'd Church ; and I ask, whether the Church of *England* would not be the eſtabliſh'd Church, if theſe Acts were repealed, as much as it was the eſtabliſhed Church before theſe Acts were made? Was it not the *Eſtabliſhed Church* when all the Penal Laws of Queen *Elizabeth*, and King *James*

James I. were in Force? Did it not *con-*
tinue the *Established Church* after the
 Toleration Act passed? The Act of To-
 leration repealed *five* Penal Laws: Sup-
 posing that it had repealed *Seven* Acts
 instead of *Five*, *i. e.* had added the Two
 now in Debate, would that have made
 it *cease* to be the *Established Church*?
 If it would; then this Author must main-
 tain, that 'tis necessary to the very *Be-*
ing of an *Established Church*, that there
 should be two Incapacitating Laws in
 Force. Which if he will assert, I will
 undertake to make it appear, that there
 is no *Established Church* in *Holland*, nor
 in *Scotland*: And I will venture to add,
 That upon that Scheme, there *ought not*
 to be one in *England*. For thus he pro-
 ceeds:

“ IT might be expected, that the Dif-
 “ fenters should strengthen this Argu-
 “ ment of Natural Right by Instances
 “ fetch'd from *other* Countries, where
 “ they could alledge, that Civil Offices
 “ are bestowed without any Regard to

F 2

“ Affection

“ Affection or Disaffection to the Nation-
 “ al Religion. But if no such Instances
 “ are to be found — one would hope that
 “ common *Modesty* should restrain Peo-
 “ ple from supposing that all Countries
 “ (even *Holland* it self so famed for Li-
 “ berty) could go on without Remorse,
 “ in a Practice so unjust and abominable,
 “ as this has been represented.” Here
 again,

WE have Declamation and Amuse-
 ment, but no Reasoning. For,

1st. SUPPOSE that I could produce *no*
 Instance at all from *other Countries*, where
 Civil Offices are bestowed upon Persons
 who dissent from the National Church?
 Would this amount to Evidence against
 what is Right in it self? Or if I *can* pro-
 duce such Instances, will this Writer him-
 self acquiesce in them as being Right in
 themselves?

2^{dly}, THIS Author himself is forced
 to allow the “ good Effects” of the *For-*
leration

leration here ; and seems to be willing
 to think that those were “ as able Heads
 “ as any Age had produced” who set-
 tled it : Yet I ask, Can he alledge an In-
 stance fetch’d from any Part of *Europe*,
Holland excepted, and Ourselves, where
 a Toleration Act is pass’d ? Look into
Spain or *Portugal*, *France* or *Germa-*
ny, *Italy* or *Savoy*, and see if a Tolera-
 tion be allowed in all those great Coun-
 tries ? Suppose now that I should declaim
 against a Toleration in the Words of this
 Author. — “ One would hope that com-
 “ mon *Modesty* should restrain People
 “ from supposing that all Countries (be-
 “ sides *Holland* and *Great Britain*)
 “ could go on without Remorse, in a
 “ Practice so unjust and abominable as
 “ this has been represented in some late
 “ Writings.” Where is the Want of *Mo-*
desty in supposing that great Nations may
 do wrong, when in Fact we every Day
 see them doing wrong ? Is not this Rea-
 soning exactly the same against a *Tolera-*
tion, as it is against the Repealing these
 Acts ? Or as if *Example*, and not the
 Rule

Rule of Right, were to be the Measure of our Estimate of Things? But I add,

3dly, THAT in *Scotland* there is no *Incapacitating* Law, whereby an *Episcopalian* is unqualified for any Place of Power or Trust. This therefore is a direct Instance, where “ a National Church ” is established without *Incapacitating* Laws.

BUT as a particular Appeal is made to *Holland*, I must own my Surprize, that this Author should mention that Country as to his Purpose; or put us in Mind how much it serves our own. I'll give you the Words of a Noble Author, who pleaded *the Rights of the Dissenters* many Years ago. “ The United Provinces,” says he, “ admit all Dissenters to Military Employments by Sea and Land, “ without excluding *Papists*, and not “ without good Service from them. *Slan-* “ *genburgh*, a Popish General, gained a “ Victory the last Summer by his Fidelity and Courage, when a General, “ that

“ that was a Conformist to the Nation-
 “ al Church, had thro’ Treachery and
 “ Cowardice, lost it and fled. — They
 “ admit Members of the *English*, *Scotch*,
 “ and *Walloon* Churches indifferently to
 “ the Legislature, and to all Civil Em-
 “ ployments : Tho’ if a Subjection to
 “ another Ecclesiastical Authority, or
 “ some little Differences in Worship or
 “ Discipline, make a Man a Dissenter
 “ from the Establishment, the *English*,
 “ *Scotch*, and *Walloon* Churches are
 “ Dissenters from the *Dutch* Establish-
 “ ment.

“ Nor are the *Arminians* excluded
 “ from making and executing of Laws
 “ by any Statute, tho’ they are a Facti-
 “ on in the State, and have always op-
 “ posed the Authority of the Princes of
 “ *Orange*. Upon that Account indeed
 “ they have seldom had the Favour of
 “ the Government. — But they are ex-
 “ cluded by *no Law* ; and some few
 “ of them have all along had considerable
 “ Posts, both in particular Towns and
 “ Provinces ;

“ Provinces ; and in the Employments
 “ of the general Union.

“ No Law requires any Person in pub-
 “ lick Employments (I only speak of
 “ Protestants employ’d in the Civil Go-
 “ vernment of *Holland*) to take *Religious*
 “ *Oaths*, to subscribe or abjure any Ar-
 “ ticles ; or *commands them to take*
 “ *the Sacrament with the Eſtabliſhed*
 “ *Church* ; or not to frequent, or com-
 “ municate with any Other. People in-
 “ deed that have Civil Employments in
 “ *Holland*, generally receive the Sacra-
 “ ment once a Year with the *Dutch*
 “ Church, or with the Dissenting Churches
 “ of the *English*, *Scots*, or *Walloons* ;
 “ but even this is done to comply with
 “ the common Custom, or to have the
 “ better Credit with the Government, or
 “ the People — but not in Obedience to
 “ any *Law* by which it is enjoined.”
Rights of the Protestant Dissenters to
an absolute Toleration, p. 58—60.

FOR

FOR my own Part I was curious enough, not long since, to get a Friend to write over to *Holland*, and to desire an Answer to these Two Queries.

1. WHETHER in the United Provinces, they that have any Civil Employment, do constantly conform to the Established Church, and take the Sacrament there?

2. WHETHER there be any Law to oblige them to it?

I'LL give you the Answer; which I think full to the Purpose.

“ THERE is no Law extant to determine that those who have Civil Employments shall receive the Sacrament once or oftner: That as the Laws concerning Religion are different in different Places, and with Regard to different Employments; so some times it is said, that to enjoy such an Employment, one must

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“ be

“ be *well affected* [in *Dutch, Toege-*
 “ *daan*] to the *Reformed* Religion : Some-
 “ times it is said, One must be *of that*
 “ *Religion*. In these two Cases no En-
 “ quiry is made, Whether they that are pre-
 “ ferr’d to these Employments have been
 “ admitted to the Sacrament. If they have
 “ been of a different Persuasion or Sect, it
 “ is enough that, for the future, they usu-
 “ ally resort to the Reformed Church, with-
 “ out returning to that which they left.”

INSTANCES then *may* be fetch’d from
Other Countries, where Civil Offices are
 bestowed on such as Dissent from the Na-
 tional Religion. I will add, That the
Imperial General, *Zumjungen*, was a Pro-
 testant. That “ it continues to be the
 “ Custom in several Electorates, distinct
 “ Sovereignities, Free Cities of the *Ger-*
 “ *man* Empire, in *Bohemia*, and in
 “ *Hungary*” to admit Dissenters to the
 highest Posts. And consequently, that
 ’tis unaccountable in this Author to urge
 this Plea in Favour of his Cause, to shew
 that

that no Time can be proper to Repeal these Incapacitating Laws.

THERE is indeed a seeming Difficulty started, taken from the Act of Union in the 6th of Queen Anne. 'Tis there said, that “ *all and singular Acts of* “ *Parliament* then in Force, *for the* “ *Establishment and Preservation of the* “ *Church of England, and the Doctrine,* “ *Worship, Discipline, and Government* “ *thereof, shall* remain and be in full “ Force for ever: And this Act is declared to be *an Essential and Fundamental Part of the Union between* “ *the Two Kingdoms.*” From hence 'tis insinuated that *no Time can be proper* to Repeal or Explain the Test and Corporation Acts, unless we would violate an Essential and Fundamental Part of the Union between the Two Kingdoms. But this After-thought will do his Cause as little Service as any other Part of his Book. For,

I ANSWER 1st, That the *Act of Union* was passed to secure the true Protestant Religion, professed and established by Law in the Church of England, and the Doctrine, Worship, Discipline, and Government thereof: And all Acts of Parliament in Force for those Ends were to continue in full Force for ever. Now the *Corporation* and *Test* Acts were not made for those Ends. The *Test Act* was to prevent Dangers which may happen from Popish Recusants. And the *Corporation Act* was to ascertain the Validity of Elections of Magistrates and other Officers and Members in Corporations, to the End that the Succession in such Corporations may be most probably perpetuated in the Hands of Persons well affected to his Majesty and the Establish'd Government: and for Preservation of the publick Peace both in Church and State. Neither of these Acts therefore can be construed to be Acts for the Establishment and Preservation of the Church of England, and the Doctrine, Worship, Discipline,

Discipline, *and* Government *thereof*. The *Test* Act in particular was not made for the Security of the *Doctrine, Worship, Discipline, and Government of the Church*, but for Security of the *State* against Popish Recusants. And the *Corporation* Act was not for the Security of the same Points, but for the ascertaining *the Validity of Elections of Officers in Corporations*; and in Consequence of that, for the *Preservation of the* publick Peace in CHURCH and STATE. Unless therefore this Author can maintain that “*publick Peace in Church and State*” is the same with *Doctrine, Worship, Discipline, and Government of the Church of England*, these Acts were in no Sense included in the Act for securing the Church at the Union. But,

I M U S T observe, that at the same Time when the Church of *England* was thus secured, an Act passed for Securing the Protestant Religion and Presbyterian Church - Government in *Scotland*, in which *Her Majesty with the Advice and*
Consent

*Consent of the said Estates in Parliament, doth hereby establish and confirm the said TRUE Protestant Religion, and the Worship, Discipline, and Government of this Church, without any Alteration to the People of this Land in all succeeding Generations: And more especially—for ever confirms the fifth Act of the first Parliament of King William and Queen Mary with the haill other Acts of Parliament relating thereto, &c. and this Act likewise is declared to be “ a
 “ Fundamental and Essential Condition
 “ of the said Treaty or Union in all
 “ Time coming.”*

Now, if the Parliament of *Great Britain* hath in several Particulars thought it not inconsistent with the Articles of Union, to *explain* some Points relating to the Discipline or Government of the Church of *Scotland*, it may likewise, if it thinks fit, *explain* some Points relating to the Discipline or Government of the Church of *England*, without any Breach of the Articles of Union. But in
 Fact

Fact it has done so in Relation to the Church of *Scotland*. Therefore it may do so in Relation to the *Church of England*.

I now suppose the Corporation and Test Acts to be, what I have already proved that they are *not*, within the Act of Union : And still I say that the Parliament of *Great Britain* is not tied up from *Explaining* those Acts ; since they have already *explained* several Points in the Articles of Union, and particularly some in Relation to the *Discipline* and *Government* of the Church of *Scotland*, notwithstanding that Act's being as Fundamental and Essential to the Church of *Scotland*, as any Act can be to the Church of *England*. And to name an Instance or Two : By the Act concerning Patronages passed in 1690, *i. e.* long before the Union, the Disposition of Vacancies in the Church of *Scotland*, was in the Heritors and Ministers : And now, 'tis no longer in them, but in the Patron's Hands,

Hands, by an Act made the 10th of Queen Anne.

AGAIN. In *Scotland* there was an *Act for settling the Quiet and Peace of the Church*, passed in the fourth Sessions of the first Parliament of *William and Mary*, c. 22. And in it is ratify'd, that *none be admitted or continued to be a Minister, or Preacher in this Church, unless they—own Presbyterian Government as now settled, to be the only Government of this Church, and will submit thereto, and never Endeavour the Prejudice thereof.* And in the close of it, 'tis ratified, *That the Lords of their Majesty's Privy Council, and all other Magistrates, Judges, and Officers of Justice, give all due Assistance for making the Sentences and Censures of the Church, and Judicatures thereof to be obey'd, or otherways Effectual as accords.* This Act was confirmed with Others, at the Union. But then in the Tenth of Queen Anne, there was an Act, *That it shall be Free and Lawful for all those of the*
Episcopal

Episcopal Communion in Scotland to meet and assemble for the Exercise of divine Worship : And all Sheriffs, &c. are to give all Manner of Protection, Aid and Assistance to such Episcopal Ministers. — And whereas, SINCE THE ESTABLISHMENT of the Presbyterian Government in Scotland, some Laws have been made against the Episcopal Clergy — and particularly an Act passed in 1695, intituled, An Act against irregular Baptisms and Marriages, by which all Episcopal Ministers are prohibited to baptize any Children. — Be it enacted, — That the said Act above-mentioned be repealed and annulled, &c. And be it further declared and enacted, That no Civil Pain, or Forfeiture — shall be in any Ways incurred by any Person by reason of any Excommunication, or Prosecution in order to Excommunication, by the Church Judicatories in that Part of Great Britain called Scotland ; and all Civil Magistrates, are hereby expressly prohibited and discharged to Force or Compel any Person or Persons to appear when summoned,

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moned, or to give Obedience to any such Sentence when pronounced, any Law or Custom to the contrary notwithstanding.

WHERE now is the mighty “ Difficul-
“ ty” in Repealing the Test and Corpora-
tion Acts, even supposing them to be,
what they are not, within the Act which
established the Church of *England*, at
the Union? Surely ’tis not more incon-
sistent with the Rights of the *Church of*
England, than what was done in Queen
Anne’s Time to the Church of *Scotland*!

BUT 3dly, This Author forgets that
since the Union, *viz.* in King *George* the
First’s Time, Part of the *Corporation Act*
it self was *repealed*; and consequent-
ly, it was not by the Parliament it self
thought to be an Essential Condition of the
Union.

THIS Argument therefore of this Wri-
ter is founded, first, upon a Supposition
which is entirely groundless; and then,
granting the Supposition to be good, it
does

does not prove that *no Time is proper* to apply to Parliament for a Repeal or Explanation of these Acts : And lastly, it is false in Fact, since One of these Acts has in Part been repealed already.

And now I come to consider the last Page of this remarkable Treatise, where in 'tis insinuated that the “ Bounds between the Church and the Dissenters cannot be more wisely adjusted than is already done in the Settlement made by the Legislature immediately after the Revolution ; when that Matter was maturely considered by as able Heads as any Age has produced, and at a Time when the Dissenters cannot pretend, that there was not a Disposition to consider their Case in the most favourable Light, that the Constitution in Church and State would fairly admit.” Now,

SUPPOSING that *at that Time* the Circumstances of Affairs would not “ *fairly admit*” of doing more for the Cause of true Liberty than was done ; can therefore

no Time ever happen which may remove Prejudices, or Obstacles; and make that proper which, in given Circumstances, might be impracticable? A Toleration was once represented as “ *the Nurse of Faction, as consistent neither with Christian Religion, right Reason, nor the Safety and Trade of the Kingdom; as giving Course to the most extravagant, the most absurd Opinions, under the Colour of Religion and Conscience.* Whilst it was painted in such ugly Colours, and made to appear so frightful, no Wonder that it was limited, and confined to narrower Bounds than it ought to have been. The wisest and most able both Churchmen and Dissenters, were at that very Time far from being pleased with the Limitations of that Act: But yet it was some Satisfaction that *they got so far.* I mentioned before Mr. *Locke's* Judgment; and I cannot but add what he says concerning the *Quakers* Confession of Faith which is mentioned in the Toleration Act, because it will be a further Testimony of his Sentiments, that every Thing was not then so wisely

ly adjusted, as this Writer pretends. “ *De*
 “ *Furamento Quakeris dispensatum est;*
 “ *nec illis obtrusa fuisset malo exemplo*
 “ *illa quam in lege videbis confessio fi-*
 “ *dei, si aliqui eorum istam fidei con-*
 “ *fessionem non obtulissent; quod impru-*
 “ *dens factum* multi inter illos et cor-
 “ *dationes valde dolent.* *Locke’s Letters,*
 p. 331. “ The *Quakers* are dispensed with
 “ from taking an Oath: Nor had that Con-
 “ fession of Faith, which you’ll see in the
 “ Toleration Act, been forced upon them,
 “ *by a very ill Example*, if some of them
 “ had not offered it themselves; for which
 “ *imprudent* Fact many of them, and
 “ those the *wisest*, are heartily Sorry.”

MR. *Locke*, as I before shewed, com-
 plained that the Act in general was not
 of that *Latitude* that a good Christian
 would desire: *Here* he complains of what
 was done in Relation to the *Quakers* in
 particular. Now can any one imagine
 that *he* thought the Toleration Act the
 true Barrier betwixt the Church and Dis-
 senters, or that the Bounds were so fixed
 that

that they “ could not be more *wisely ad-justed*,” when he declares it be only *something* done; mere *Beginnings*, upon which *sometime or other* a Superstructure might be raised; when he adds, *Aliquid est prodire tenus*.

BUT whatever was the Reason that those great Men at that Time, “ those Heads as “ able as any Age has produced,” went no farther than they did; ’tis ridiculous now to portend mighty Mischiefs, if any Alteration be made in Behalf of Liberty. ’Tis asserted by this Writer, and at the same Time all Pretension to a *Spirit of Prophecy* is disclaimed, that “ whenever the “ Church shall break in upon the Toleration, “ on, or the Toleration upon the Church, “ the Peace of this Country is at an End.” I suppose he does not mean, that if the Churchmen shall attempt the least Alteration in the Toleration Act, tho’ it be to make Men more happy, (this has already been the Case in more Instances than one) that then the Peace of the Nation will be at an End;—but I suppose he means, that
if

if the Churchmen should at any Time make the Terms of the Toleration *narrower* than it is, then Mischiefs will arise. This I readily acknowledge. But what is the Meaning of the other Clause—
 “ If the Toleration breaks in upon the Church, then the Peace of this Country is at an End ?” What does he mean by *Toleration* in this Clause ? In the first Part of this short Aphorism, it signified the *Toleration Act* : But it cannot be taken in that Sense in the second Part. Does he mean *the Persons tolerated*, *i. e.* the Dissenters ? Then his Meaning is, — if the Dissenters break in upon the Church, “ then the Peace of this Country is at an End.” What now is the Meaning of *breaking in* upon ; and lastly, what is the Meaning of — *the Church*, in this Clause ? Whilst every Word stands in need of a particular Explication, I shall suspend, and declare that I cannot say whether this Aphorism, as it lies, be *true* or *false* : But this I will aver and maintain, that the Concession of **Liberty** is the way to heal all our Breaches ;

Breaches; to bring the Dissenters to Conformity; it is for the Interest of the Kingdom; it is for the Interest of the Church it self; it is the true Means of securing the Peace of this Country, and the only one that can establish it for ever; and blessed be they that contribute to so good and useful a Work!

F I N I S.

Next Week will be publish'd,

The CORPORATION and TEST ACTS shewn to be of *no Importance* to the CHURCH of ENGLAND.

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